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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,415	06/28/2001	Ryoji Yamagishi	83171	6871
7590 12/09/2003				
Welsh & Katz, Ltd. Gerald T. Shekleton 22nd Floor 120 South Riverside Plaza Chicago, IL 60606		EXAMINER LABAZE, EDWYN		
		ART UNIT PAPER NUMBER		
		2876		
DATE MAILED: 12/09/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/894,415	YAMAGISHI ET AL	
	Examiner	Art Unit	
	EDWYN LABAZE	2876	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 9/22/2003.
2. Claims 2-11 are presented for examination.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 2 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigo (U.S. 6,260,686).

Re claim 2: Rigo discloses device for identification of coins and/or transponders, which includes a coin-shaped IC card reader/writer 171 for performing the processing of reading data

from the coin-shaped IC card 10 and writing data to card/transponder (col.6, lines 4-47) while temporarily stopping (through positioning member 19) the rolling movement of the coin-shaped card (col.3, lines 66+ and col.5, lines 3-67) and based on results of the processing, distributing means the coin-shaped card to another coin-shaped guide path disposed separately from the first-mentioned coin-shaped card guide path 151 or 153 (col.4, lines 10-67); a partition plate 171 formed at a leading end surface of the shaft and protruding from the leading end surface, for opening and closing an upstream end of the another coin-shaped IC card guide, in conjunction with turning of the shaft (as shown in Figs. # 1, 4-9 of Rigo; col.4, lines 6+).

Re claim 6: Rigo teaches an apparatus, wherein the coin-shaped card guide paths include a collection path 153 for collecting and a return path for returning the coin-shaped card 151 (See fig. # 1 of Rigo and col.4, lines 10+).

Re claims 7: Rigo discloses an apparatus, further comprising coin diameter detection means (through coil 16) for detecting whether or not diameter or a coin shaped object deposited in a card slot has a specific size/mass/geometry/material (col.3, lines 48-60).

Re claim 8: Rigo teaches an apparatus, further comprising a positioning ring 14 provided at the terminal end of the card return path, for positioning and supporting the coin-shaped object guided through the IC card return path (See Fig. # 1 of Rigo, and col.3, lines 30+).

Re claim 9: Rigo discloses an apparatus, further comprising a shutter 191 provided in the first-mentioned coin-shaped IC card guide path, for opening and closing the first-mentioned coin shaped card guide path based on detection signals of the coin diameter detection means (col.4, lines 6-60).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigo (U.S. 6,260,686) in view of Abe (U.S. 5,577,591).

Re claims 3 and 4: Rigo discloses device for identification of coins and/or transponders, which includes a coin-shaped IC card reader/writer 171 for performing the processing of reading data from the coin-shaped IC card 10 and writing data to card/transponder (col.6, lines 4-47) while temporarily stopping the rolling movement of the coin-shaped card (col.3, lines 66+ and col.5, lines 3-67) and based on results of the processing, distributing means the coin-shaped card to another coin-shaped guide path disposed separately from the first-mentioned coin-shaped card guide path 151 or 153 (col.4, lines 10-67), a distributing lever 191 which is provided at one end of the first mentioned guide path 15, and supported so as to be turnable in a direction at right angles to a direction of advance of the first mentioned guide path (See Figs. # 1 and 3-4 of Rigo and col.4, lines 6+), a wall body 19 that temporarily stops the coin-shaped card passing through the interior of the first-mentioned guide path 15 in a condition where the card 10 is inserted (col.3, lines 66+), further teaches drive means 181 for driving the distributing lever (col.4, lines 30+).

Rigo fails to teach a pair of guiding plates and a predetermined distance therebetween so as to form a gap for inserting the coin and having inner circumferential surfaces of the guide plates formed in curved surface shapes.

Abe teaches coin-selecting apparatus, which includes a pair of guiding plates 1, 2 forming a gap for inserting the coin (see Figs. # 2-3 of Abe; col.3, lines 16+); a ball guide 7 extends into a circumferential curve (col.3, lines 48+).

In view of Abe's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Rigo a pair of guiding plates and a predetermined distance between the plates so as to form a gap for inserting the coin. Furthermore, such gap/opening if a curved shaped would provide a proper alignment and render the inserted coin always centered regardless of the position/angle the coin is inserted into the slot. Moreover, such modification would have been an obvious extension as taught by Rigo.

Re claim 5: Rigo discloses an apparatus, further comprising a turning position detection sensor 17 provide at a position adjacent to the distributing lever, for detecting turning position of the distributing lever (col.5, lines 1-67).

Re claim 10: Rigo teaches an apparatus, wherein the coin-shaped card guide paths include a collection path 153 for collecting and a return path for returning the coin-shaped card 151 (See fig. # 1 of Rigo and col.4, lines 10+).

Re claim 11: Rigo discloses an apparatus, further comprising coin diameter detection means (through coil 16) for detecting whether or not diameter or a coin shaped object deposited in a card slot has a specific size/mass/geometry/material (col.3, lines 48-60).

Response to Arguments

8. Applicant's arguments filed 9/22/2003 have been fully considered but they are not persuasive.

Re claim 3: The applicant argues that the claimed invention requires only a single drive unit for driving the distributing lever so that the temporarily retained the IC card is lead to the selected guide path after read/write operations and that the prior art requires two driving units resulting in an increase in the manufacturing cost, as well as in the size of the reader/writer (page 5, 7th paragraph).

The examiner respectfully disagrees with the applicant's remarks because, as stated in the claimed invention, the term "comprising of" is an open ended limitation and does limit other limitations or means within the scope of the invention. Therefore, the examiner is considering the single drive units of the claimed invention as a cost saving improvement but as functionally equivalent as the teachings of Rigo.

Re claims 2, 6-9: The applicant argues that the combination of Rigo in view of Hossfield would have not been obvious to an artisan of ordinary skill in the art because the structure of Hossfield in which a coin is temporarily stopped presents an obstacle to the partition plate by colliding with the edge of the notch (page 6, 2nd & 3rd paragraphs of applicant's arguments).

The examiner, in view of a broader interpretation of the claimed invention, is considering the baffle 191 of the teachings of Rigo as a partition plate electrically connected to a drive unit so as to rotate from one position to another one and inherently adjusted to a shaft and permit the coin to travel to either the accepted bin or the rejected box depending upon the results of the read/write operations of the inserted coins.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davies (U.S. 4,354,587) discloses coin acceptor or rejector.

Merkle (U.S. 4,984,670) teaches coin drop assembly.

Glueck (U.S. 5,511,645) discloses anti-stringing device for a coin acceptor.

Menoud (U.S. 5,637,859) teaches method and apparatus for exchanging information with subscriber cards used in article vending machines.

Yeh (U.S. 6,098,778) discloses coin collector mechanism with top coin slot and coin return function.

Trenner (U.S. 6,644,456) teaches electronic coin checker.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2876

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
November 19, 2003



**THIEN M. LE
PRIMARY EXAMINER**